

## **IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**

### **24.05.01 - RULES OF THE BOARD OF DRINKING WATER AND WASTEWATER PROFESSIONALS**

#### **DOCKET NO. 24-0501-0901 (FEE RULE)**

#### **NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-2406, Idaho Code.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be held as follows:

**THURSDAY - OCTOBER 22, 2009 - 10:00 a.m.**

**BUREAU OF OCCUPATIONAL LICENSES  
1109 Main St., Ste. 220  
Boise, ID**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The proposed rule updates the Board's web address as it has changed. The rule reduces the fees for endorsement, original license, and the license renewal to reduce the Board's cash balance. The rule also creates, defines, and sets forth the qualifications for a Class 1 Restricted license and Very Small Wastewater System license. The Very Small Wastewater license is based upon DEQ rule changes that now allow for a very small wastewater facility license. The Class 1 Restricted license is designed to assist facilities with part-time operators and staff to allow more flexible qualifications for a license to run a specific facility. This rule will also clarify an ambiguity in the qualifications for a land application license.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

Per Section 54-2407, Idaho Code, allows the Board to establish fees. The changes would reduce the amount of fees collected for the dedicated funds of the Board of Drinking and Wastewater Professionals by approximately \$38,190 per year based on 3,461 licensees and 358 applicants.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: NA

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because the Board of Drinking Water and Wastewater Professionals has been working with licensees, municipalities, the Department of Environment Quality and the Idaho Rural Water Association on qualifications for a Class 1 Restricted License.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at (208) 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 28, 2009.

DATED this 17th day of August, 2009.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
1109 Main St. Ste. 220  
Boise, ID 83702  
(208) 334-3233 Ph. (208) 334-3945, fax

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**THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 24-0501-0901**

**005. ADDRESS OF IDAHO BOARD OF DRINKING WATER AND WASTEWATER PROFESSIONALS (RULE 5).**

The office of the Board of Drinking Water and Wastewater Professionals is located within the Bureau of Occupational Licenses, Owyhee Plaza, 1109 Main Street, Suite 220, Boise, Idaho 83702-5642. The phone number of the Board is (208) 334-3233. The Board's FAX number is (208) 334-3945. The Board's e-mail address is [wwp@ibol.idaho.gov](mailto:wwp@ibol.idaho.gov). The Board's official web site ~~is~~ can be found at <http://www.ibol.idaho.gov/wwp.htm>. (3-30-06)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**010. DEFINITIONS (RULE 10).**

**01. Board.** The Idaho Board of Drinking Water and Wastewater Professionals. (3-24-05)

**02. Bureau.** The Idaho Bureau of Occupational Licenses. (3-24-05)

**03. Class I Restricted License.** Class I restricted license means a water or wastewater license associated with a specific class I system. A restricted license is available for water distribution or treatment or for wastewater collection or treatment. A restricted license is not transferable and does not qualify for endorsement. ( )

**034. DEQ.** The Idaho Department of Environmental Quality. (3-24-05)

**045. Direct Supervision.** Supervision in a way that will ensure the proper operation and maintenance of the public drinking water or public wastewater system. Supervision shall include, but not be limited to, providing written, hands-on, or oral instruction as well as verification that the instructions are being completed. The supervisor has an active on-site and on-call presence at the specific facility. (2-26-08)

**056. Endorsement.** Endorsement (often referred to as "reciprocity") is that process by which a person licensed in another jurisdiction may apply for a license in Idaho. (3-24-05)

**067. EPA.** The United States Environmental Protection Agency. (3-24-05)

**078. Experience.** One (1) year of experience is equivalent to one thousand six hundred hours (1,600) worked. (2-26-08)

**089. Operating Personnel.** Operating personnel means any person who is employed, retained, or appointed to conduct the tasks associated with the day-to-day operation and maintenance of a public drinking water system or a public wastewater system. Operating personnel shall include every person making system control or system integrity decisions about water quantity or water quality that may affect public health. (3-24-05)

~~0910.~~ **Person.** A human being, municipality, or other governmental or political subdivision or other public agency, or public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent or other legal representative of the foregoing or other legal entity. (3-24-05)

~~101.~~ **Public Drinking Water System or Public Water System.** Public drinking water system or public water system means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days of the year. Such term includes any collection, treatment, storage, and distribution facilities under control of the operator of such system, and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Every community and nontransient noncommunity water system, and each transient water system using a surface water source or ground water source directly influenced by surface water, shall be operated by a certified drinking water operator. (3-24-05)

~~112.~~ **Public Wastewater System or Wastewater System.** Public wastewater system or wastewater system means those systems, including collection systems and treatment systems, that are owned by a city, county, state or federal unit of government, a nonprofit corporation, district, association, political subdivision or other public entity, or that generate or collect two thousand five hundred (2,500) or more gallons a day; or that have been constructed in whole or in part with public funds. This does not include any wastewater treatment system operated and maintained exclusively by a single family residence or any wastewater system consisting solely of a gravity flow, nonmechanical septic tank and subsurface treatment and distribution system, or industrial wastewater systems under private ownership. (3-24-05)

~~123.~~ **State.** The State of Idaho. (3-24-05)

**(BREAK IN CONTINUITY OF SECTIONS)**

**175. LICENSE TYPES AND CLASSIFICATIONS (RULE 175).**

The Board shall issue each of the following licenses under the provisions of Chapter 24, Title 54, Idaho Code.

(3-24-05)

**01. Drinking Water Distribution Operator.** (3-24-05)

**a.** Class Operator-In-Training. (3-24-05)

**b.** Class Very Small Water System. (3-24-05)

**c.** Class I Restricted. ( )

~~ed.~~ Class I. (3-24-05)

~~de.~~ Class II. (3-24-05)

~~ef.~~ Class III. (3-24-05)

~~fg.~~ Class IV. (3-24-05)

**02. Drinking Water Treatment Operator.** (3-24-05)

**a.** Class Operator-In-Training. (3-24-05)

**b.** Class I Restricted. ( )

<b><i>bc.</i></b>	Class I.	(3-24-05)
<b><i>ed.</i></b>	Class II.	(3-24-05)
<b><i>de.</i></b>	Class III.	(3-24-05)
<b><i>ef.</i></b>	Class IV.	(3-24-05)
<b>03.</b>	<b>Wastewater Treatment Operator.</b>	(3-24-05)
<b>a.</b>	Class Operator-In-Training.	(3-24-05)
<b>b.</b>	<u>Class Very Small Wastewater System.</u>	( )
<b><i>bc.</i></b>	Lagoon.	(3-24-05)
<b><i>d.</i></b>	<u>Class I Restricted.</u>	( )
<b><i>ee.</i></b>	Class I.	(3-24-05)
<b><i>df.</i></b>	Class II.	(3-24-05)
<b><i>eg.</i></b>	Class III.	(3-24-05)
<b><i>fh.</i></b>	Class IV.	(3-24-05)
<b><i>gi.</i></b>	Land Application.	(3-24-05)
<b>04.</b>	<b>Wastewater Collection Operator.</b>	(3-24-05)
<b>a.</b>	Class Operator-In-Training.	(3-24-05)
<b>b.</b>	<u>Class Very Small Wastewater System.</u>	( )
<b><i>c.</i></b>	<u>Class I Restricted.</u>	( )
<b><i>bd.</i></b>	Class I.	(3-24-05)
<b><i>ee.</i></b>	Class II.	(3-24-05)
<b><i>df.</i></b>	Class III.	(3-24-05)
<b><i>eg.</i></b>	Class IV.	(3-24-05)
<b>05.</b>	<b>Wastewater Laboratory Analyst.</b>	(3-24-05)
<b>a.</b>	Class I.	(3-24-05)
<b>b.</b>	Class II.	(3-24-05)
<b>c.</b>	Class III.	(3-24-05)
<b>d.</b>	Class IV.	(3-24-05)
<b>06.</b>	<b>Backflow Assembly Tester.</b>	(3-24-05)

**(BREAK IN CONTINUITY OF SECTIONS)**

**200. FEES FOR EXAMINATION AND LICENSURE (RULE 200).**

The fees for each license type and classification shall be as follows: (3-24-05)

**01. Application Fee.** Application fee -- twenty-five dollars (\$25). (3-24-05)

**02. Examination Fee.** The examination fees shall be those fees charged by the Association of Boards of Certification (ABC) or other approved examination provider. (3-24-05)

**03. Endorsement Fee.** Endorsement fee -- ~~forty~~ thirty-five dollars (\$~~435~~). (~~3-30-06~~)(\_\_\_\_)

**04. Original License Fee.** Original license fee -- ~~forty~~ thirty-five dollars (\$~~435~~). (~~3-30-06~~)(\_\_\_\_)

**05. Annual Renewal Fee.** Annual renewal fee -- ~~forty~~ thirty-five dollars (\$~~435~~). (~~3-30-06~~)(\_\_\_\_)

**06. Reinstatement Fees.** Reinstatement fee -- twenty-five dollars (\$25). (3-24-05)

**07. Refund of Fees.** No refund of fees shall be made to any person who has paid such fees for application, examination, reexamination, or reinstatement of a license. (3-24-05)

**(BREAK IN CONTINUITY OF SECTIONS)**

**300. REQUIREMENTS FOR LICENSE (RULE 300).**

Applicants shall submit an application together with the required fees and such documentation as is required. (3-24-05)

**01. Examination Requirement.** Applicants must pass a written examination for each individual classification in each type of licensure with a minimum score of seventy percent (70%). For those classifications of Class II through IV, successful completion of the examinations from the immediate lower type and classification shall be a prerequisite to examination eligibility for the next higher classification of the same type, except that applicants for wastewater collection operator or wastewater laboratory analyst or drinking water distribution operator licenses may apply for any classification examination for which they hold the required education and experience. (3-30-06)

**a.** The examination will reflect different levels of knowledge, ability and judgment required for the established license type and class. The Board will administer examinations at such times and places as the Board may determine. (3-24-05)

**b.** The examination for all types and classes of licensure shall be validated and provided by the Association of Boards of Certification (ABC). The American Backflow Prevention Association (ABPA) backflow assembly tester examination is also approved for backflow assembly tester licensure. (5-8-09)

**c.** Applicants who fail an examination must make application to retake the same type and class examination and pay the required examination fees prior to retaking the examination. (3-24-05)

**d.** Applicants must take and pass the examination within one (1) year of application approval. After one (1) year a new application and applicable fees must be submitted. (3-30-07)

**02. Education and Experience Requirements.** Only actual verified on-site operating experience at a treatment, distribution or collection system will be acceptable. (3-24-05)

**a.** Each applicant for an Operator-In-Training License must have a high school diploma or GED and pass the Class I exam or pass the very small water system exam. (5-8-09)

**b.** To qualify for a Very Small Water System license an operator must have a high school diploma or GED and ~~one hundred eighty-eight (10088)~~ hours of acceptable operator-in-training experience at a water system and complete an approved six-hour water treatment or chlorination course and an approved six-hour water distribution course for a combined total of one hundred (100) hours. ~~(5-8-09)( )~~

**c.** To qualify for a Very Small Wastewater System license an operator must have a high school diploma or GED and fifty (50) hours of acceptable operator-in-training experience at a wastewater collection system and fifty (50) hours of acceptable operator-in-training experience at a wastewater treatment system and complete an approved six-hour pumps and motors course; an approved six-hour lagoon operation and maintenance course; and an approved six-hour large soil absorption system course for a combined total of one hundred eighteen (118) hours. ( )

**d.** To qualify for a Class I Restricted water or wastewater license an operator must have a high school diploma or GED and obtain two hundred sixty (260) hours of acceptable work experience with the system in one (1) year and work a full operating year with the system and complete sixteen (16) hours of continuing education relevant to the license and pass the relevant Class I examination. Upon obtaining one thousand six hundred (1,600) hours of supervised operating experience for each license, the operator shall be eligible to apply for an unrestricted Class I license. There is no limit on the amount of time needed to obtain the necessary experience to qualify for the unrestricted license. A restricted license is limited to a specific system. ( )

**ee.** To qualify for a Class I license an applicant must have a high school diploma or GED and one (1) year of acceptable experience at a Class I or higher system. To upgrade an OIT license to a Class I the applicant must provide documented proof to the Board of having completed one (1) year of supervised operating experience in a Class I or higher public drinking water or wastewater system, and payment of the required fees. (2-26-08)

**ff.** To qualify for a Class II treatment or lab analyst license II an applicant must have a high school diploma or GED and three (3) years of acceptable Class I operating experience at a Class I or higher system. (2-26-08)

**eg.** To qualify for a Class III treatment or lab analyst III license an applicant must have a high school diploma or GED and two (2) years of post high school education in the environmental control field, engineering or related science; and four (4) years of acceptable Class II operating experience of a Class II or higher system, including two (2) years of experience in daily on-site charge, supervision of personnel, or management of a major segment of a system in the same or next lower class. (2-26-08)

**fh.** To qualify for a Class IV treatment or lab analyst IV license an applicant must have a high school diploma or GED; and four (4) years of post high school education in the environmental control field, engineering or related science; and four (4) years of acceptable Class III operating experience at a Class III or higher system, including two (2) years of experience in daily on-site charge, supervision of personnel, or management of a major segment of a system in the same or next lower class. (2-26-08)

**gi.** To qualify for a Class II collection or distribution license an operator must have a high school diploma or GED and three (3) years of acceptable operating experience at a Class I or higher system. (3-24-05)

**hj.** To qualify for a Class III collection or distribution license an operator must have a high school diploma or GED and two (2) years of post high school education in the environmental control field, engineering or related science; and four (4) years of acceptable operating experience of a Class I or higher system, including two (2) years of experience in daily on-site charge, supervision of personnel, or management of a major segment of a system in the same or next lower class. (3-24-05)

**ik.** To qualify for a Class IV collection or distribution license an operator must have a high school diploma or GED; and four (4) years of post high school education in the environmental control field, engineering or related science; and four (4) years of acceptable operating experience at a Class I or higher system, including two (2) years of experience in daily on-site charge, supervision of personnel, or management of a major segment of a system in the same or next lower class. (3-24-05)

**jl.** To qualify for a lagoon license, an operator must have a high school diploma or GED and twelve

(12) months of acceptable supervised operating experience at a Lagoon system. (3-24-05)

~~4m.~~ To qualify for a Wastewater Land Application license, an operator must have a high school diploma or GED, a current wastewater treatment license that is at least Class I or higher, and minimum six (6) months of hands-on operating experience at a wastewater land application system. The wastewater land application operator that is a responsible charge or substitute responsible charge operator must be licensed at the type and class equal to or greater than the classification of the wastewater system. ~~(3-24-05)( )~~

~~4n.~~ To qualify for a backflow assembly tester license, an applicant must have a high school diploma or GED, and shall document successful completion of a Board-approved backflow assembly tester training program in compliance with the Cross Connection Control Accepted Procedure and Practice Manual and consisting of theory instruction, practical instruction, and a practical examination in compliance with the USC Test procedures. (3-30-06)

~~4o.~~ To qualify for an original wastewater laboratory analyst license, an applicant must hold a current water treatment, wastewater treatment or lagoon license. (3-24-05)

**03. Substituting Education for Experience.** Applicants may substitute approved education for operating and responsible charge experience as specified below. (3-24-05)

**a.** No substitution for operating experience shall be permitted for licensure as a very small system operator or a Class I operator. (3-24-05)

**b.** For Classes II, III and IV, substitution shall only be allowed for the required experience when fifty percent (50%) of all stated experience (both operating and responsible charge) has been met by actual on-site operating experience. (3-24-05)

**c.** For Class II, a maximum of one and one-half (1½) years of post high school education in the environmental control field, engineering or related science may be substituted for one and one-half (1½) years of operating experience. (3-24-05)

**d.** For Class III and IV, a maximum of two (2) years of post high school education in the environmental control field, engineering or related science may be substituted for two (2) years of operating experience; however the applicant must still have one (1) year of responsible charge experience. (3-24-05)

**e.** Education substituted for operating experience may not be also credited toward the education requirement. (3-24-05)

**f.** One (1) year of post high school education may be substituted for one (1) year experience up to a maximum of fifty percent (50%) of the required operating or responsible charge experience. (3-24-05)

**04. Substituting Experience for Education.** Where applicable, approved operating and responsible charge experience may be substituted for education as specified below: (3-24-05)

**a.** One (1) year of operating experience may be substituted for two (2) years of grade school or one (1) year of high school with no limitation. (3-24-05)

**b.** For Class III and IV, additional responsible charge experience (that exceeding the two-year class requirements) may be substituted for post high school education on a two (2) for one (1) basis: two (2) years additional responsible charge equal one (1) year post high school education. (3-24-05)

**05. Substituting Experience for Experience.** Related experience may be substituted for experience up to one-half (½) of the operating experience requirement for Class II, III and IV. Experience that may be substituted includes but is not limited to the following: (3-24-05)

**a.** Experience as an environmental or operations consultant; (3-24-05)

**b.** Experience in an environmental or engineering branch of federal, state, county, or local

government; (3-24-05)

**c.** Experience as a wastewater collection system operator; (3-24-05)

**d.** Experience as a wastewater treatment plant operator; (3-24-05)

**e.** Experience as a water distribution system operator and/or manager; (3-24-05)

**f.** One (1) year of post high school education may be substituted for one (1) year experience up to a maximum of fifty percent (50%) of the required operating or responsible charge experience. (3-24-05)

**g.** Experience in waste treatment operation and maintenance. (3-24-05)

**06. Equivalency Policy.** Substitutions for education or experience requirements needed to meet minimum requirements for license will be evaluated upon the following equivalency policies: (3-24-05)

**a.** High School - High School diploma equals GED or equivalent as approved by the Board equals four (4) years. (3-24-05)

**b.** College - Thirty-five (35) credits equal one (1) year (limited to curricula in environmental engineering, environmental sciences, water/wastewater technology, and/or related fields as determined by the Board). (3-24-05)

**c.** Continuing Education Units (CEU) for operator training courses, seminars, related college courses, and other training activities. Ten (10) classroom hours equal one (1) CEU; forty-five (45) CEUs equal one (1) year of college. (3-24-05)